

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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IN RE: NEW ENGLAND COMPOUNDING )  
PHARMACY, INC. )  
PRODUCTS LIABILITY LITIGATION )  
v. ) MDL No: 1:13-md-2419-RWZ  
)  
This Document Relates to: )  
)  
Kennedy, et al. v. Unifirst Corporation, et al. )  
No: 1:13-cv-13227-RWZ )  
)  
Musselwhite v. Unifirst Corporation, et al. )  
No: 1:13-cv-13228 -RWZ )  
)

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**JOINT MOTION FOR ORDER TO SET REVISED BRIEFING SCHEDULE  
AND RE-SCHEDULING OF ORAL ARGUMENT**

The defendants, Advanced Pain & Anesthesia Consultants, PC d/b/a APAC Centers for Pain Management and Randolph Y. Chang, M.D., (hereinafter the “APAC Defendants”) and the Plaintiffs’ Steering Committee (“PSC”) have conferred in order to establish a revised briefing schedule for PSC’s Response to APAC Defendants’ Motion to Dismiss in the above referenced dockets. APAC Defendants’ Motion to Dismiss (the “Motion”) was filed with this Court on May 7, 2014.

The parties have agreed to the following briefing schedule and date for oral argument, with such proposed dates superseding those dates set forth in the Second Amended Joint Motion endorsed on June 3, 2014 (Docket #1167):

1. The PSC will file its reply to the Response to the Motion no later than **August 29, 2014**.
2. The APAC Defendants will file its Reply to the PSC’s Response to the Motion no later than **September 5, 2014**; and (limited to 5 pages)
3. If necessary, the PSC may file a sur-reply to the Reply to the PSC’s Response to the Motion no later than **September 12, 2014**. (limited to 5 pages)

4. Oral Arguments will be heard on **September 18, 2014**.

The parties respectfully request that the Court enter the attached order to formalize the above-described revised briefing schedule.<sup>1</sup> In addition, pursuant to Local Rule 7.1(d), the parties request that the Court reserve a date for oral argument.

Respectfully Submitted,

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<sup>1</sup> The parties agree that further extensions may be necessary depending upon the timing, nature and extent of APAC Defendants production of documents in response to the PSC's Subpoena. If necessary, a joint motion for a revised briefing schedule will be filed with this Court.

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**CERTIFICATE OF SERVICE**

I, Kimberly A. Dougherty certify that a copy of this document, filed through the CM/ECF system will be accessible to those attorneys who are registered with the Court's electronic filing system and Notice of Electronic filing (NEF) will be sent to these parties by operation of the CM/ECF system on June 30, 2014.

/s/ Kimberly A. Dougherty